

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BARBARA LODER HILDEBRANDT,

Plaintiff,

vs.

HYATT CORPORATION, et al.

Defendants.

Case No. C-1-02-0003

**Judge Sandra Beckwith
Magistrate Judge Jack Sherman, Jr.**

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO IDENTIFY REBUTTAL
WITNESSES AND INCORPORATED MEMORANDUM OF LAW IN SUPPORT**

Defendants HYATT CORPORATION, TY HELMS, BRIAN J. BOOTH, and JOHN HORNE ("Defendants"), by and through their undersigned counsel, pursuant to S.D. Ohio L.R. 7.2 and 7.3, hereby move for an extension of time to identify rebuttal expert witnesses, and state as follows:

On or about February 2, 2004, Plaintiff identified two expert witnesses, Dr. Rosen and Dr. Parsons, pursuant to this Court's Order extending the deadlines in the case for approximately one year. Plaintiff indicated that he would limit his experts' testimony to the information contained in the expert reports submitted in or about February 2003. Defendants have deposed Dr. Parsons, but, due to scheduling issues caused by an illness of the wife of Dr. Rosen and by the illness of Defendants' attorney, the parties have been unable to schedule the deposition of Dr. Rosen.

On or about March 24, 2004, the Court entered an Order granting Plaintiff's

request for an extension of time to respond to Defendant's Motion for Summary Judgment, which was filed on March 1, 2004. This extension, which Defendants did not oppose, granted Plaintiff until May 20, 2004, to file her response to Defendants' Motion for Summary Judgment. Trial in this matter is not scheduled until August 9, 2004.

Defendants now seek an extension of time of only 20 days, to identify their rebuttal expert witnesses, which are due to be identified on or before April 3, 2004. Such an extension would not prejudice the parties, as Plaintiff's Response to Defendant's Motion for Summary Judgment is not due to be filed until May 20, 2004, and Plaintiff is taking the depositions of several witnesses prior to April 30, 2004. Thus, the identification of rebuttal experts affects no other activity in the case. Defendants have attempted to confer with Plaintiff regarding this Motion, pursuant to L.R. 7.3, and Plaintiff has not consented, despite Defendants' repeated attempts to cooperate and consent to various extensions for Plaintiff throughout the pendency of this case. Accordingly, Defendants respectfully request this Honorable Court grant an extension of 20 days, until Friday, April 23, 2004, for Defendants to identify rebuttal expert witnesses.

DATED this 30th day of March 2004.

Respectfully submitted,

By: s/Theresa M. Gallion by
s/Jeffrey J. Harmon per telephone
authorization of 3/30/04
Theresa M. Gallion*
Florida Bar No. 726801
tgallion@laborlawyers.com

Natalie J. Storch*
Florida Bar No. 269920
nstorch@laborlawyers.com

FISHER & PHILLIPS LLP
1250 Lincoln Plaza
300 South Orange Avenue
Orlando, Florida 32801
Telephone: (407) 541-0888
Facsimile: (407) 541-0887

By: s/Jeffrey J. Harmon
Jeffrey J. Harmon
Ohio Bar No. 0032848
CORS & BASSETT, LLC
1881 Dixie Highway, Suite 350
Ft. Wright, Kentucky 41011
Telephone: 859-331-6440
Facsimile: 859-331-5337

Trial Attorneys for Defendants, HYATT
CORPORATION, et al.

*Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 30, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Stanley M. Chesley and Robert Steinberg, Waite, Schneider, Bayless, & Chesley Co., L.P.A., 1513 Central Trust Tower, Cincinnati, Ohio, 45202.

s/Jeffrey J. Harmon

Jeffrey J. Harmon